

ARNORTH & FORT SAM HOUSTON

AREA REAL ESTATE

REIMBURSEMENT CLAIM GUIDE

(Sep 2011)

ARNORTH & FORT SAM HOUSTON AREA REAL ESTATE REIMBURSEMENT CLAIM GUIDE

(To be used for Department of the Army Civilian Employees Filing Real Estate Reimbursement Requests for a Primary Residence Located in the Ft Sam Houston Area)

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What is a real estate reimbursement request?

These are requests for reimbursements for some types of expenses associated with the sale or purchase of a home or early termination of a lease pursuant to an authorized permanent change of station (PCS) move for civilian employees. Authority for payment of these requests is contained in 41CFR Part 302 and Joint Travel Regulation (JTR) Volume II, Chapter 5, Part P.

Where do I file my real estate reimbursement request?

Where you file your reimbursement request depends on your Activity (organization) and where the real estate transaction took place:

IN THE FT SAM HOUSTON AREA

If your home was purchased or sold or your unexpired lease was terminated in the San Antonio area you must submit your reimbursement packet through your supervisor to your activity's Approval Authority.

OUTSIDE FT SAM HOUSTON AREA

Contact your activity's Approval Authority for further guidance.

Can I submit my reimbursement request directly to the Office of the Staff Judge Advocate?

No. The Office of the Staff Judge Advocate will only accept requests submitted directly by the Approval Authority via email.

Who is my Approval Authority?

The Approval Authority is the Agency official responsible for payment approval under Joint Travel Regulation (JTR) Volume II, Chapter 5, Part P, Paragraph C5759D. Contact your immediate supervisor if you do not know who your Approval Authority is.

What documents will I need to submit to my Approval Authority to support my request?

In the case of a home purchase or sale the Office of the Staff Judge Advocate will need, at a minimum, the documents listed below submitted in the following order (see diagram on page 3) prior to conducting a review of the expenses:

(1) **Request for Review of Reasonable Charges Form.** A form generated by the Office of the Staff Judge Advocate which includes a checklist for your Activity's Approval Authority and requires the certification of both you and the Approval Authority (see Appendix A).

(2) **DD Form 1614** (Request/Authorization for DOD Civilian Permanent Duty or Temporary Change of Station (TCS) Travel). If you are married to another government employee who has been issued separate travel

orders, those orders are required to be submitted as well. In most cases, if both spouses are authorized reimbursement, this will result in each spouse receiving a pro rata (reduced) reimbursement.

(3) **DD Form 1705** (Reimbursement for Real Estate Sale and/or Purchase Closing Cost Expenses). This document must be signed by you in block 16a for sale or block 17a for purchase. Part IV should be blank.

(4) **FSH Itemized Worksheet-DD Form 1705 Form**. This form is generated by the Office of the Staff Judge Advocate and is attached to the DD Form 1705. It lists out, individually, each expense and must be completed in ALL requests for purchase or sale of property. Its purpose is to allow reviewers to see where expenses have originated prior to placement on DD Form 1705 (see Appendix B).

(5) **Property Settlement Document** (Form HUD-1). Must have the signatures of both the buyer and the seller.

(6) **Paid Invoices/Receipts** (For expenses paid outside of settlement). A check used as a receipt must have deposit/clearing information annotated on the back.

(7) **Good Faith Estimate** (This document is needed in financed purchase only--when buyer borrowed money to purchase home and when 2010 or later Form HUD-1 was used at settlement).

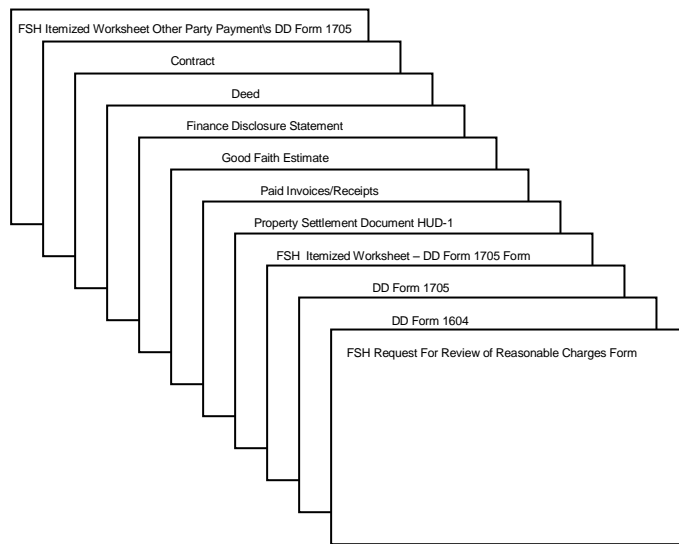
(8) **Finance Disclosure Statement** (Truth-in-Lending Act-[TILA]-Statement). This document need only be submitted in financed purchase--when buyer borrowed money to purchase home. In many cases it will include the lender's (Section 800) itemized finance charges which are not itemized on the Form HUD-1.

(9) **Deed** (The deed must show your interest in the property purchased or sold). This need not be the recorded deed but only a copy of the deed signed and notarized at settlement. It is readily accessible from the settlement title company.

(10) **Contract** (of sale or purchase). The contract must have the signatures of both the buyer and the seller AND include all addenda which were signed with or after initial contract signatures. This was not issued at settlement so you must go back to your records or your realtor (if you retained one) to get the final version of the contract with all addenda.

(11) **FSH Itemized Worksheet-Other Party Payments**. This form is generated by the Office of the Staff Judge Advocate. It lists out, each expense paid by other party on behalf of claimant. It clarifies who paid for the expense. (buyer or seller) Only expenses incurred and paid by an employee shall be reimbursed.

Format for Submitted Reimbursement Request



How do I complete the DD Form 1705?

(1) The primary source for information on how to complete the DD Form 1705 is the *Hand Book for Civilian Permanent Duty Travel* (PDT) (January 2010) which is available on the DFAS website. <http://www.dfas.mil/dfas/pcstravel.html>, under Additional Resources, Civilian PCS Handbook. The comments contained in this guide have been made for the purposes of assisting employees with processes unique to the San Antonio Area and information specific to the area that have not been addressed in the DFAS handbook. This guide also contains additional helpful information not found in the DFAS handbook. **THIS INFORMATION IS PROVIDED AS A RESOURCE TO THE EMPLOYEE AND IS NOT LEGAL ADVICE NOR IS IT BINDING ON ANY FUTURE DETERMINATION REGARDING REIMBURSEMENT OF A SPECIFIC EXPENSE.** Each employee is ultimately responsible for determining what expenses they are going to request reimbursement for based on their interpretation of the applicable law and regulation.

(2) The first step is to become familiar with your HUD-1 settlement statement, which you received at settlement. This document itemizes the expenses of the real estate transaction for which you are now requesting reimbursement. It is your “receipt” for your home purchase and will support the majority of your request. See Appendix G for a line by line explanation of the HUD-1.

(3) Completion of the DD Form 1705 is an exercise in transferring the reimbursable expenses listed on your HUD-1 to the proper categories appearing in the blocks on the reverse side of the DD Form 1705. Pay careful attention to whether the expenses were paid by the BORROWER or by the SELLER. You may not request reimbursement for any expense you did not incur such as one paid by the seller if you are the buyer. Remember to use the *Fort Sam Houston Itemized Worksheet-DD Form 1705 Form* at Appendix B to list each one of your expenses as they appear on each line of the HUD-1 prior to transferring them to the DD Form 1705.

(4) After you complete Parts I, II, III, and V of DD Form 1705, be sure to sign your request in block 16

or 17, as appropriate, and make sure to leave Part IV blank. You must fill out a different DD Form 1705 for each purchase and sale.

(5) See APPENDIX F for additional information on completing the DD Form 1705.

What happens to my request after I submit it to my Approval Authority?

(1) Your Approval Authority will ensure that the request is in the proper format, signed, and includes all the proper documentation.

(2) Your Approval Authority will submit a request to the Office of the Staff Judge Advocate, asking for a review of the expense reimbursement requested to ensure they are reasonable in amount and customarily paid by the seller or buyer in the Fort Sam Houston area by scanning all the documents necessary for the review (PDF document) and emailing them to the Office of the Staff Judge Advocate to usarmy.jbsa.asa.mbx.rersja@mail.mil with the Subject Heading: *Real Estate Reimbursement Request- (Requesting Employee's First and Last Name)*. This review is required pursuant to Paragraph C5759C of Part P, Chapter 5, Volume II of the JTR. It is conducted by an attorney assigned to the Office of the Staff Judge Advocate, office who has been determined is the best qualified to review reimbursement determinations.

(3) Upon receipt of the request, the attorney will review each expense requested and determine whether there is a specific basis to reimburse the requested expense under appropriate regulations and law. If additional information is required to complete the review, the Office of the Staff Judge Advocate will contact you directly.

(4) Once the review is complete, the attorney will forward the memorandum addressed to the Approval Authority. These documents will be sent via email to your Approval Authority, who is then responsible for completing Part IV of the DD Form 1705 and the DD Form 1351-2, as appropriate, and for forwarding the reimbursement request to DFAS in accordance with the guidance set forth in the *DFAS Hand Book for Civilian Permanent Duty Travel* (PDT) (January 2010) DFAS-CO 1404.1-PH starting at page 29.

The documents necessary to submit your request to DFAS are listed in the *DFAS Hand Book for Civilian Permanent Duty Travel* at page 35. This list is different from the documents which are required for the Office of the Staff Judge Advocate to review your request. Below is an excerpt of the list:

1. DD Form 1351-2: Include appropriate signatures and dates.
2. DD Form 1614, Travel Authorization, including any amendments.
3. DD Form 1705 (Application for Reimbursement of Expenses Incurred by DOD Civilian Employee) Upon Sale or Purchase (or both) of Residence upon Change of Duty Station. [Reduced reimbursements must include memorandum from Administrative/Civil Law Division.]
4. A copy of Settlement statement. (Itemized list of charges for the sale or purchase of a residence. This form requires signatures of both the seller and the buyer.)
5. A copy of Sale and/or Purchase agreement. (Must have both the seller and buyer's signature.)
6. DFAS-Columbus requires a copy of receipts for expenses paid in cash outside of closing. (i.e., application fee, credit report, etc.)
7. Any advance payment paperwork, DD Form 1351-2.

(5) After the Approval Authority has forwarded your reimbursement request to DFAS, he or she will provide you with a copy of the legal review prepared by the Office of the Staff Judge Advocate and the signed DD Form 1705 indicating that your request was paid in full, denied in full, or reduced. Should you disagree with

the decision of the Approval Authority, you may request reconsideration or an appeal of that decision. Successful reconsiderations or appeals will result in your Approval Authority requesting a supplemental payment from DFAS on your behalf.

In the case of a request for unexpired lease termination expenses, your Approval Authority will scan all the documents necessary for the review (PDF document) and email them to the Office of the staff Judge Advocate Administrative/Civil Law Division to usarmy.jbsa.asa.mbx.rersja@mail.mil with Subject Heading: *Real Estate Reimbursement Request-(Employee First and Last Name)*. At the minimum, you will have to submit the documentation outlined on page 35 of the *DFAS Hand Book for Civilian Permanent Duty Travel (PDT)* (January 2010).

How do I check on the status of my request once submitted to my Approval Authority?

As the Agency official responsible for processing your request, all questions regarding its status should be directed to the Approval Authority.

Who can I contact if I have questions regarding my real estate reimbursement entitlements?

Questions should first be directed to your supervisor and Approval Authority. Employees may also direct inquiries to the proponent for processing these requests--DFAS, Permanent Travel Customer Service at 1-800-756-4571, Option 3, then Option 0. If employees cannot resolve questions or concerns through these sources and have been unable to resolve the question or concern after consulting this guide and the regulatory sources cited therein, they may contact the Office of the Staff Judge Advocate by completing an *Information Request Form, Appendix J*.

VERY IMPORTANT: Employees should be aware that the staff of the Office of the Staff Judge Advocate are responsible for advising the approval authorities who take action on reimbursement requests and are prohibited from providing legal advice to employees regarding reimbursement requests. For example, staff will not provide an opinion regarding the interpretation of law or regulation as it applies to a particular real estate transaction. This is particularly true if an employee has not already sold or purchased the property for which they intend to request reimbursement.

If the reimbursement of an expense is denied, how do I request reconsideration or appeal?

Basis for OSJA's Decision:

Certain claimed expenses may have been denied. The basis and regulatory/legal authority for such denials will be explained within the memorandum drafted by the Office of the Staff Judge Advocates to the Agency Approval Authority.

Often such denials are based on lack of regulatory/legal authority to reimburse an expense or lack of substantiation. Pursuant to JTR, Volume II, Chapter 5, Part P; 41 CFR Part 302; 5 USC 5724a; decisions of the Comptroller General, the General Services Administration Board of Contract Appeals, and the Civilian Board of Contract Appeals, the claimant bears the burden of proving/establishing that a claimed expense is reimbursable.

All expenses for which reimbursement is requested must be authorized by specific authority under regulation or law. If a specific authority does not provide for reimbursement, then a claimed expense must be denied.

Further, even if an expense is otherwise reimbursable, it may only be reimbursed if it is actually paid by the claimant and may only be reimbursed up to but not exceeding specific amounts stated in regulation and law (such as a 1% loan origination fee) or, in the absence of a specific limitation, to the amount customarily paid in the residence locality in which a purchase or sale was made.

Claimants Desiring to File for Reconsideration:

If a claimant disagrees with the decision contained in the memorandum to the Approval Authority, they may request that it be reconsidered. A request for reconsideration must be submitted to and endorsed by the Approval Authority using the enclosed *Fort Sam Houston Reconsideration Request Form* (Appendix H) within 15 calendar days of the Approval Authority's receipt of the OSJA's Memorandum to Approval Authority (an extension of this requirement may be granted based on hardship and with the endorsement of the Approval Authority). Requests must be accompanied by a *Fort Sam Houston Itemized Reconsideration Worksheet-DD Form 1705 Claims Form* (Appendix I) and specify why the claimant believes a denied expense should be reimbursed, cite the supporting regulatory/legal authority, and be accompanied by the appropriate documentation. Reconsideration requests failing to meet this requirement may be denied on this basis alone.

Processing:

Request will reenter the processing queue and will be processed only after initial claims and other reconsideration requests already in the processing queue have been adjudicated. Approval Authorities will be notified by memorandum regarding the OSJA's decision with an accompanying memorandum to the Approval Authority.

Appeals:

Claimants who disagree with the decision contained in the memorandum to DFAS and choose not to request reconsideration, or who have filed a request for reconsideration and are not satisfied with the response, may file an appeal with the Civilian Board of Contract Appeals (CBCA). For more information on the content of the appeal and the appeal process see: <http://www.cbca.gsa.gov>.

How do I suggest changes to this guide?

Please address any comments concerning this guide to the Office of the Staff Judge at the following email address usarmy.jbsa.asa.mbx.rersja@mail.mil with the Subject Heading: *Real Estate Reimbursement Guide-Suggestions*.

FSH Request for Review of Reasonable Charges Form

Pg 1 of 2 pages

*Purpose: To Request Review of Civilian Employee Real Estate Expenses Associated with PCS move to or from the San Antonio Area
(all four parts must be completed)*

PART I***Employee Certification***

I understand that my signature below indicates that the information submitted in support of this review is both true and accurate and that this review will be returned directly to the Approval Authority listed below for further processing in accordance with my activity's processing policies for real estate reimbursement claims. I agree to provide updated contact information to the Office of the Staff Judge Advocate should it change from the information contained below. I understand that I may be contacted by the Office of the Judge Advocate after submission of my claim for additional information and my failure to provide the requesting information in a timely manner may result in delay or complete denial of my claim.

I understand that submission of a false or fraudulent claim is a crime punishable under applicable Federal law and may form the basis of administrative disciplinary action up to and including removal from Federal Service. I agree to contact the Office of the Staff Judge Advocate if I have received a supplemental payment from any organization involved in my real estate transaction after I have settled on my home or if previously submitted information changes. I further certify that if I am filing a claim for reimbursement of purchase expenses that I currently live in the property for which I have claimed reimbursement and I am commuting daily from this residence to my new permanent duty station.

Employee Signature

Date

Print Name

Organization

Telephone Number:

Email Address:

Approval Authority Checklist**PART II**

The approval authority will initial in the appropriate block:

Is requesting employee's spouse a federal employee? ☐ Yes ☐ No

If yes, and spouse is not listed on requesting employee's orders as a dependent, the employee may only be authorized a pro rata share and spouse may have to file their own request for reimbursement.

PART III

The approval authority will ensure LEGIBLE scanned copies of the following documents are included in the review packet in the following order prior to forwarding the packet to the Administrative/Civil Law Division for Review by placing his or her initials in each of the following blocks (these documents will not be returned):

- ☐ Fort Sam Houston Request for Review of Reasonable Charges Form (signed by employee and approval authority)
- ☐ Original and all amended copies of DD Form 1614 enclosed and includes specific authority for real estate reimbursement
- ☐ DD Form 1705 with parts I, II, III and V completed (signed by employee only)
- ☐ Fort Sam Houston Itemized Worksheet-DD Form 1705 Form (must list out ALL expenses requested on DD Form 1705)

PART III (continued)

- ☐ Signed copy (by both parties) of settlement statement (HUD-1) showing expenses of both buyer and seller
- ☐ Proper receipt for every item paid outside closing (POC) if not listed on the HUD-1 (front and back of canceled checks or valid receipt from creditor)
- ☐ Good Faith Estimate (GFE) need only be submitted in financed purchase only--when buyer borrowed money to purchase home--and when 2010 or later Form HUD-1 was used at settlement
- ☐ Finance Disclosure Statement (Truth-in-Lending Act-[TILA]-Statement) (not required if sale of home or if purchase is not financed) must include the lender's (Section 800) itemized finance charges
- ☐ Signed and notarized copy of the Deed enclosed (normally consists of 2 or more pages--does not have to be recorded deed, only a copy of deed signed at settlement)
- ☐ Entire Contract of Purchase/Sale including all addenda- refer to contract for list of Addenda
- ☐ File is correctly collated in the order listed above

PART IV

Pursuant to JTR, Volume II, Chapter 5, Part P, Paragraph C5759C, *Review and Approval of Reasonable Charges*, an official designated by the commanding officer of an activity must review the expenses claimed and the supporting documentation to determine if the expense(s) claimed are reasonable in amount and customarily paid by the seller or buyer in the locality where the property is located.

As the approval authority (JTR, Volume II, Chapter 5, Part P, Paragraph C5759D) of the employee listed above, I request that the OSJA perform the Paragraph C5759C review for the above listed employee. I will submit this request by scanning all documents necessary for the review (PDF document) and emailing them to the Office of the Staff Judge Advocate at usarmy.jbsa.asa.mbx.rrersja@mail.mil with the Subject Heading: *Real Estate Claim-(Claimant First and Last Name)*. I understand that your review will be returned to me via email and it will be my responsibility as the approval authority to ensure the claim is forwarded to DFAS in compliance with the *Pamphlet for Civilian Permanent Duty Travel (PDT)* DFAS-CO 1404.1-PH (January 2010 ed.) available at: <http://www.dfas.mil/dfas/pcstravel.html> under Additional Resources, Civilian PCS Handbook and *the Approval Authority Checklist (Approving Official)* available in the PCS Section of the DFAS website: <http://www.dfas.mil/dfas/pcstravel/checklists.html>

Approval Authority Certification

I have familiarized myself with the most recent version of the *Ft Sam Houston Area Real Estate Reimbursement Claim Guide*, reviewed the documents submitted by the claimant in support of this review, and completed the attached checklist required for submission. I hereby certify all requirements for submission to the OSJA have been met to include the employee's signature above.

 Approval Authority Signature

 Date

 Print Name

 Organization

 Telephone Number:

 Email Address:

APPENDIX B

Fort Sam Houston Itemized Worksheet-DD Form 1705 Form

DD Form 1705, Block #	Nature of Expense	Amount Requested	Line # from HUD- 1/or Receipt attached
<i>Example</i> <u>Block 24</u>	<u>Title examination</u>	<u>\$220</u>	<u>1103</u>

APPENDIX C

General Information

NOTE: Employees are often disappointed when there is a disparity in what they expected to be reimbursed and what they were actually reimbursed. It is the employee's responsibility to fully understand the benefits they will receive prior to obligating funds for those expenses. The following information is provided to assist employees in managing expectations and can be verified by reviewing the various authorities governing real estate reimbursement requests.

1. DO NOT incur real estate or other Permanent Change of Station (PCS) related expenses (to include entering into a contract for home purchase, sale, construction or realtor/other services) prior to receipt of documented PCS orders. Other written or verbal notification of a PCS move is ordinarily not sufficient. Failure to wait until receipt of documented orders will result in nonpayment of your reimbursement request.
2. Note that all expenses incurred in the sale/purchase of a residence are not reimbursable. Additional information is provided within this guide so find out if an expense is reimbursable before you obligate yourself to pay for it. Resources for research include the JTR, Volume II, Chapter 5, Part P and 41 CFR Part 302 which implement 5 USC 5724a and decisions of the Comptroller General, the General Services Administration Board of Contract Appeals, and the Civilian Board of Contract Appeals. Shop lenders, title companies, and understand reimbursement rules when dealing with sellers or buyers. Shopping the wide variety of lenders and title companies will often result in less out of pocket costs (non-reimbursable expenses), particularly in the case of lenders.
3. You cannot file a real estate reimbursement request for the sale/purchase of a residence until after the purchase or sale and you have actually incurred the expenses. The Joint Travel Regulation (JTR) does not authorize an advance of payment on real estate expenses. In addition, you must reside in the home for which you are seeking reimbursement of expenses. For a purchase, you must actually be commuting from your new residence to your new duty station before you are eligible to file a request for reimbursement.
4. Even though the DD Form 1705 provides both a column for sales expenses incurred at your old duty station and a column for purchase expenses incurred at the new duty station, you must separate the expenses and submit two separate requests for reimbursement. Separating the requests allows you to be paid on one while still waiting for administrative processing on the other.
5. You must incur your expenses within two years of the report date to your new duty station unless you request and receive an extension prior to the end of the two year period.
6. If you are authorized to use the Defense National Relocation Program and choose to do so for the sale of your home, you may not file a real estate reimbursement request for any costs associated with the sale of your home that you have already been reimbursed for or that were paid under the program on your behalf. You may be eligible to be reimbursed for those expenses not paid under the program.
7. If you are authorized real estate expenses AND unexpired lease expenses, you may request reimbursement for an unexpired lease OR real estate expenses for the sale of your previous residence, but not both. You still may file a reimbursement request for the purchase of a home in the location of your new duty station.
8. If you have received a "credit" such as a seller paid closing cost or a lender or builder credit for an ordinarily reimbursed expense, under most circumstances, you are not authorized reimbursement because you did not incur that expense. Similarly, if someone who is not your dependent has paid an expense on your

behalf you are not authorized reimbursement. This may require careful planning and legal advice for the employee who wishes to maximize their reimbursement.

9. When buying a home, be sure to ask your lender to itemize or explain what is included in your “origination” and “points” charges. Sometimes the charge for points includes an appraisal fee, legal fees for document preparation, and survey costs, each of which may be reimbursable expenses (if listed as such). However, points relating only to mortgage interest are not reimbursable.

10. When purchasing a home, retaining the services of a home inspector (general, pest, septic, well, radon, pool) and purchasing a home warranty are both wise decisions; however, these services are ordinarily not reimbursable if incurred by choice.

11. If you purchase a home with someone other than a dependent and that person is listed on the deed submitted with your reimbursement request, you will only be reimbursed a pro-rata share if you cannot prove equitable title. In most cases, equitable title cannot be established so employees who purchase with a friend, fiancé, sibling, or non-dependent parent will only receive a 50% or less reimbursement. Avoiding this scenario, if desired, may require careful planning and legal advice.

12. If two Federal employees are married, their DD FORM 1614 must reflect the status of real estate reimbursement authorizations on each employee’s orders. This scenario often results in a requirement that both employees file separate requests and may lead to reimbursement denial if one or more employees incur real estate expenses prior to receiving a DD Form 1614 (one spouse moves before the other but they buy a home before the stay behind spouse receives orders). Employees who find themselves in this situation need to carefully coordinate the issue with both order issuing authorities to ensure maximum benefit to each employee and no inadvertent loss of benefits.

13. Expenses associated with the construction of a home differ greatly from expenses associated with the purchase of a pre-existing home. If you choose to build a home, purchase from a builder, or purchase a home under unique circumstances (auction, short sale, rehab) you may only be reimbursed for those expenses customarily charged and reasonably incurred during the purchase of a pre-existing home and should plan accordingly.

14. The attorneys who conduct the real estate reimbursement review are Federal employees whose sole role in the process is to review for activity Approval Authorities real estate reimbursement expenses. These attorneys may not provide employees with personal legal advice regarding their real estate transaction nor assist them with structuring their home purchase or sale in such a way as to maximize their real estate reimbursement request. Employees are ultimately responsible for becoming familiar with the established rules associated with reimbursement and this guide serves to assist in that endeavor.

APPENDIX D

Customary Real Estate Expense in the Fort Sam Houston Area

NOTE: Please be aware that an expense may be customary and ordinary under one circumstance and not customary and ordinary under another.

A. PURCHASE EXPENSES.

The following expenses are customarily paid by a purchaser in the San Antonio area and are ordinarily reimbursable under JTR Vol. 2, Ch. 5, Para C5759, *Reimbursement for Residence Sale or Purchase Closing Costs*, if the costs are reasonable in amount:

General fees

Loan Origination Fee up to (1%)
Credit Report
Flood Certification
Lender's Title Insurance
Insurance /Title Search
City/State/County Tax Stamps (usually mortgage portion)
Settlement Fee
Title Examination
Title Insurance Binder
Judgment Fee Notary Fee Recording Fee
Survey (of main property only)
Texas Policy Guarantee Fee
Assumption Fee

Fees approved under limited circumstances

Attorney's Fees (contract review or closing document review)
Pest Inspection and or other inspections (only when certified as required by lender as precondition to loan)
Loan Application or Processing fees (in absence of a 1% loan origination fee if lender certifies fee is for admin costs only and then only up to 1%)
Document preparation (title company only not lender generated)
Owner's Title Insurance is reimbursable "if it is customarily paid by the purchaser of a residence at the locations in question and if "it is a prerequisite to financing or the transfer of the property; or if the cost of the ... policy is inseparable from the cost of other insurance which is a prerequisite." See *Thaddeus Hosley*, GSBICA 16899-RELO (August 9, 2006).
Courier/Wire Fee (only when not charged by lender and required)
Lender's Inspection Fee (if required by lender or law)

B. SALE EXPENSES.

The following expenses are customarily paid by a seller in the San Antonio area and are ordinarily reimbursable under JTR Vol. 2, Ch. 5, Para C5759, *Reimbursement for Residence Sale or Purchase Closing Costs*, if the costs are reasonable in amount:

General fees

Brokerage Fee/Commission up to 6%
State and Local Transfer and Recordation taxes (50%)
Deed Preparation
Release Recording Fee
Notary Fee
Pest Inspection (VA loan)

Fees approved under limited circumstances

Attorney Fees (contract review)
Mortgage Broker Fee if charged in lieu of a Broker's Commission

APPENDIX E

Non-Reimbursable Expenses

The following expenses are not customarily paid by a purchaser in the San Antonio area and are ordinarily not reimbursable under JTR Vol. 2, Ch. 5, Para C5759.

NON-REIMBURSABLE ITEMS.

A. Basis for Denial of Entire Reimbursement Request

- When contract to purchase or sell was entered into prior to receipt of official notification DD Form 1614
- When employee purchases home but does not reside in the home or commute from the home daily to the new permanent duty station

B. Basis to Deny a Pro rata share of Reimbursement Request (50% or less reimbursement)

- When employee purchases or sells home with spouse who is a government employee and authorize separate reimbursement
- When employee purchases or sells home with a non-immediate family member such as fiancé, friend, brother, or other associate without establishing equitable title

C. Basis to Deny Categories of Expenses

- Expense from unconsummated purchase or sale
- Duplicate fees-lenders final inspection, termite soil treatment, and multiple loan disbursement
- Fees associated with rehabilitating home not normally paid in the purchase of pre-existing home
- Unusual expenses associated with foreclosures, short sales, auctions
- Any fee not paid by the employee (such as seller paying portion of buyer's closing costs)
- Requested reimbursement for items not on HUD-1 without a receipt or required substantiation
- Fees which are not customarily incurred in the locality or exceeding the amount customarily charged

D. Specific Expenses

Lender's Document Preparation/Processing (if in addition to 1% Base Loan Origination Fee)

Warehousing Fee

VA Funding Fee

Property Taxes

Property and Hazard Insurance

Home Maintenance or Warranty Policy

Loss on Sale

Buyer's Broker Fee (charged by realtor/broker)

Down Payments/Good Faith Deposits

Operating or Maintenance Costs

Transaction Fee

Administrative Fee (Realtor or Broker)

Well Overage

Interest on Loans, Points, and Mortgage Discounts

Fees usually paid by other party but assumed by the employee

Procurement/Release of Mortgage

MERS Registration Fee Mortgage

Insurance Premium Commitment

Fee/Underwriting Fee

Lender Package from Title Company

Copy/Scanning /Document Archival Fee

Boundary Survey (Owner Optional)

Home Association Dues/Capital Contribution Fee

Cashier's Check Fee

Cash Paid Out at Settlement

Tax Service Fee

Construction Costs

Title Insurance (Owner)

APPENDIX F

Note: Form HUD-1 2010 and later...

You are also advised that there are no specific instructions in this guide for completing the DD Form 1705 for real estate reimbursement requests involving the 2010 and later Form HUD-1 because lenders and title companies in the San Antonio area have not been consistently reporting information on the 2010 HUD-1 Form. Accordingly, you should ensure that all requested expenses are annotated on the itemized worksheet regardless of where it is placed on the DD Form 1705. This will ensure that every expense requested is properly reviewed to determine if it is reimbursable.

1) Completing DD Form 1705 for the Sale of a Former Residence

Note: Employee must first list all their expenses on the Itemized Worksheet-DD Form 1705 Form (see Appendix B) before transferring them to the DD Form 1705. Employees who fail to take this step will be denied reimbursement. Also, occasionally items may be listed elsewhere on the Form HUD-1 so carefully cross check your HUD-1 against Appendix D to ensure you did not miss anything. Even when an expense appears as one item an analysis is made as to what was the real expense paid.

Block 21. Sales/Brokers Commission Fees. Using your HUD-1, lines 700-704, enter the amount paid to a broker or real estate agent for selling the former residence.

Block 22. Advertising Fees. These expenses are normally incurred when a broker is not used (“For Sale by Owner”) and will not appear on your HUD-1. If you are requesting these expenses, you must attach receipts or other evidence of payment.

Block 23. Appraisal Fee. Enter the amount appearing on line 804 of your HUD-1. “POC” indicates a partial cash payment was made, be sure to attach your receipt.

Block 24. Legal and Related Fees. Total the amounts appearing on lines 1102-1107 of your HUD-1 which were paid by the SELLER. Also include amounts from lines 1201 and 1301. Do not include title insurance (lines 1103-1108) as legal fees. The amount paid for title insurance is entered in block 25f below.

Block 25a. Prepayment Charge. If your mortgagor requires such a payment, you must attach documentation of the amount paid and basis of the requirement (e.g. security instrument).

Block 25b. Lender’s Appraisal Fee. Seller’s appraisal fees are entered in Block 23.

Block 25c. FHA or VA Application Fee. When paid, this amount will be specifically itemized on your HUD-1, usually on one of the additional lines in the 800 block. Include only FHA or VA application fees, do not list other application fees associated with obtaining credit, such as commitment fees, underwriting fees, or real estate fees.

Block 25d. Certification Fee. Total of the amounts you paid as itemized on line 807 and the 1300 block of your HUD-1. Includes inspections required to obtain credit, such as pest, radon, paint and flood certificates. Reimbursement will only be made for those items required by lender or local law not for discretionary inspections.

Block 25e. Credit Report Fee. Enter the amount from line 805 of your HUD-1.

Block 25f. Mortgage Title Policy Fee. Enter the amount from lines 1108-1110 of your HUD-1, which records the title insurance cost. Do not request any life insurance or the other party's title insurance costs. Only include the amount paid by the seller for title insurance and not the amount paid by the buyer if separated on the HUD-1.

Block 25g. Escrow Agent's Fee. Find in 1100 or 600 blocks of your HUD-1.

Block 25h. City/County/State Tax Stamps. Total the amounts you paid from lines 1202 and 1203 of your HUD-1.

Block 25i. Sales or Transfer Taxes; Mortgage Tax. Where applicable, these taxes will be itemized on lines 1204-1207 of the HUD-1 or other appropriate documentation.

Block 26. Other Incidental Expenses. Incidental expenses must be itemized and explained on SA Itemized Worksheet-DD Form 1705 Form (see APPENDIX B).

Signature: Sign block 16a and date block 16b. LEAVE PART IV BLANK.

(2) Completing DD Form 1705 for the Purchase of a New Residence

Note: Employee must first list all their expenses on the SA Itemized Worksheet-DD Form 1705 Form (see Appendix B) before transferring them to the DD Form 1705. Employees who fail to take this step will be denied reimbursement. Also, occasionally items may be listed elsewhere on the Form HUD-1 so carefully cross check your HUD-1 against Appendix D to ensure you did not miss anything. Even when an expense appears as one item an analysis is made as to what was the real expense paid.

Block 24. Legal and Related Fees. Amounts appear in block 1100 of your HUD-1 which were paid by the BORROWER. Also include amounts from lines 1201. Do not include title insurance (lines 1108-1110) as legal fees. The amount paid for title insurance is entered in block 25f below. Do not include Settlement or closing cost fee (line 1101); this fee is entered in block 25g below.

Block 25a. Prepayment Charge. Not reimbursable for purchases.

Block 25b. Lender's Appraisal Fee. This occurs when your lender requires a second appraisal. If you paid this expense, include the amount from line 804 of the HUD-1.

Block 25c. FHA or VA Application Fee. When paid, this amount will be specifically itemized on your HUD-1, usually on one of the additional lines in the 800 block. Include only FHA or VA application fees, do not list other application fees associated with obtaining credit, such as commitment fees, underwriting fees, or real estate fees. Note: VA Funding Fees are not Application Fees and are not reimbursable.

Block 25d. Certification Fee. Total of the amounts you paid as itemized on line 807 and the 1300 block of your HUD-1. Also record on this line costs associated with certifications and inspections as required by the creditor, such as home, pest, radon, paint and flood inspections or certificates. Inspections not required by the lender as a precondition to purchase are ordinarily not reimbursable.

Block 25e. Credit Report Fee. Enter the amount from line 805 of your HUD-1.

Block 25f. Mortgage Title Policy Fee. Enter the amount from lines 1108-1110 of your HUD-1, which records the title insurance cost. Note: Only include the amount paid for the lender's title insurance as ordinarily the owner's title insurance is not reimbursable.

Block 25g. Escrow Agent's Fee. Enter the amount from line 1101 of your HUD-1.

Block 25h. City/County/State Tax Stamps. Total the amounts you paid from lines 1204 and 1205 of your HUD-1.

Block 25i. Sales or Transfer Taxes; Mortgage Tax. Where applicable, these taxes will be itemized on line 1203 of the HUD-1 or other appropriate documentation. Note that Tax Service Fees and Underwriting Fees are not reimbursable. Underwriting and tax service fees are ordinarily paid incident to and as a prerequisite to the extension of credit, and thus are not reimbursable.

Block 26. Other Incidental Expenses. Incidental expenses must be itemized and explained on FSH Itemized Worksheet-DD Form 1705 Form (see APPENDIX B). An example of an additional incidental expense would be a *Loan Origination Fee* (line 801 of HUD-1): Generally reimbursable up to 1% of the base loan amount, fees equivalent to loan origination fees, but labeled otherwise on the HUD-1, may also be reimbursable. This is usually when a loan origination fee is not charged but an *Application, Processing, or Administrative* fee is. In very limited circumstances copy, wire, courier fees may be reimbursable. See Appendix D and E.

Signature: Sign block 17a and date block 17b. LEAVE PART IV BLANK

(3) Double-Check Your Request for Reimbursement

Using your HUD-1, scan down the reverse side, page 2, to ensure all of the reimbursable items have been included in the correct block on your DD Form 1705. Be sure to only request reimbursement for those amounts that you paid (whether buyer or seller).

Lines 700-704: Total Sales/Broker's Commission based on price \$ may be requested by SELLERS in Block 21 of DD Form 1705. This amount may not exceed 6% of the contract price without justification. BUYER's real estate fees are not reimbursable.

Line 801: Loan Origination Fee. BUYERS will normally be reimbursed for up to 1% of the loan amount if itemized as an incidental expense in Block 26.

Line 802: Loan Discount. This is not a reimbursable expense.

Line 803: Adjusted origination charges. Reimbursed in Block 23.

Line 804: Appraisal Fee.

Line 805 Credit Report. Reimbursable in Block 25e.

Line 806 Tax Service. Fees paid as a condition for obtaining credit are not reimbursable. Sometimes described as "Loan Application Fee", "Commitment Fee", "Underwriting Fee", "Tax Service Fee" or "Real Estate Fee",

these items are Not reimbursable.

Line 807 Flood Certification Fee.

Line 808 Final Inspection Fee. Required by Lender. Reimbursable in Block 25 d

Lines 900-904: Items Required by Lender to be Paid in Advance. These expenses are not reimbursable.

Line 1001: Homeowner's Insurance. Including fire and flood insurance. This is not a reimbursable expense. Line 1002: Mortgage Insurance. Not reimbursable.

Lines 1003-1005: City and county property taxes are not reimbursable.

Lines 1006-1008: Reserves Deposited with Lender. Escrow accounts are generally prepayments of otherwise non-reimbursable expenses.

Line 1101: Title services and lender's insurance. Reimbursable in block 24.

Lines 1102-1114: Title Charges. Reimbursable in block 24 (normally already added and appears as the amount in line 1101).

Line 1103: Owner's Coverage. This is not a reimbursable expense.

Line 1201: Government Recording Charges. Reimbursable if itemized in block 24.

Line 1202: Deed; Mortgage; Release. Reimbursable in block 25h.

Line 1203: Sales/Transfer or Mortgage Taxes. Reimbursable in block 25i.

Line 1204 City/county tax/stamps. Reimbursable in block 25 h.

Line 1205 State tax/stamps (transfer and recordation). Reimbursable in block 25h.

Line 1301: Survey. For some new home purchases this amount may be listed in the 100 series on page 1 of HUD-1. Reimbursable in block 24.

Line 1302: Pest Inspection. Reimbursable in block 25d only when required by lender. Radon testing or other environmental testing is reimbursable when required by the lender. This is rarely the case and a statement must be provided explaining requirement. Veteran's Administration Lenders require the seller to pay for pest inspections.

Line 1303: Additional Settlement Charges. Often reimbursable in block 26.

APPENDIX G

Understanding the HUD-1. See *U.S. Department of Housing and Urban Development Website*

A. Specific Settlement Costs

This part of the guide discusses the settlement services which you may be required to get and pay for and which are itemized in Section L of the HUD-1 Settlement Statement. You also will find a sample of the HUD-1 form to help you to understand the settlement transaction.

When shopping for settlement services, you can use this section as a guide, noting on it the possible services required by various lenders and the different fees quoted by service providers. Settlement costs can increase the cost of your loan, so compare carefully.

700. Sales/Broker's Commission: This is the total dollar amount of the real estate broker's sales commission, which is usually paid by the seller. This commission is typically a percentage of the selling price of the home. Line 703 is for the amount disbursed at settlement. If the sales agent or real estate broker is retaining earnest money to apply toward the commissions, line 703 only contains that portion that will be disbursed at settlement and a note is to be inserted in line 704 indicating the amount the sales agent or real estate broker is retaining as a POC (paid outside closing). Line 704 is used for additional charges applied by the sales agent or real estate broker or as noted above any commissions retained by the entity.

L. SETTLEMENT CHARGES		
700. TOTAL SALES/BROKER'S FEES based on price \$ @ % =	PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
<i>Division of Commission (line 700) as follows:</i>		
701. \$ to		
702. \$ to		
703. Commission paid at Settlement		
704.		

800. Items Payable in Connection with Loan: These are the fees that lenders charge to process, approve and make the mortgage loan:

801. Loan Origination: This fee is usually known as a loan origination fee but sometimes is called a "point" or "points". It covers the lender's administrative costs in processing the loan. Often expressed as a percentage of the loan, the fee will vary among lenders. Generally, the buyer pays the fee, unless otherwise negotiated.

802. Loan Discount: Also often called "points" or "discount points", a loan discount is a one-time charge imposed by the lender or broker to lower the rate at which the lender or broker would otherwise offer the loan to you. Each "point" is equal to one percent of the mortgage amount. For example, if a lender charges two points on an \$80,000 loan this amounts to a charge of \$1,600.

803. Adjusted Origination Charges: Used to record the sum of the amounts shown in lines 801 and 802. It is the net loan origination charge.

804. Appraisal Fee: This charge pays for an appraisal report made by an appraiser to evaluate a home and estimate its fair market value

805. Credit Report Fee: This fee covers the cost of a credit report, which shows your credit history. The lender uses the information in a credit report to help decide whether or not to approve your loan and how much money to lend you.

806. Tax Service: This fee covers the cost of a tax service agency hired to monitor your account. This fee is part of the finance charge.

807. Flood Certification Fee: This fee covers the cost of a report to determine if the property is in a flood-risk area.

808. Final Inspection Fee: This charge covers inspections, often of newly constructed housing, made by employees of your lender or by an outside inspector. (Pest or other inspections made by companies other than the lender are discussed on line 1302.)

Notes: Lines 801 & 802 are not carried through to the borrower's outside column. The net amount of the charges for lines 801 & 802 are placed in line 803. HUD's example places the name of the Flood Certification company within the inside column on line 807 even though there is no "to" placed there. HUD continues to require the identification of the third-party settlement service provider, as currently required, on the applicable HUD line. Additional lines beyond line 808 may be added for other charges required by the originator for "required services that we select".

800. ITEMS PAYABLE IN CONNECTION WITH LOAN		
801. Our Origination Charge		
802. Your credit or charge (points) for the specific chosen rate %		
803. Your adjusted origination charges		
804. Appraisal Fee		
805. Credit Report Fee		
806. Tax Service		
807. Flood Certification		
808. Final Inspection		
809.		
810.		
811.		

900. Items Required by Lender to Be Paid in Advance: You may be required to prepay certain items at the time of settlement, such as accrued interest, mortgage insurance premiums and hazard insurance premiums.

901. Daily Interest Charge: Lenders usually require borrowers to pay the interest that accrues from the date of settlement to the first monthly payment.

902. Mortgage Insurance Premium: The lender may require you to pay your first year's mortgage insurance

premium or a lump sum premium that covers the life of the loan, in advance, at the settlement.

903. Homeowner’s Insurance Premium: Homeowner’s insurance protects you and the lender against loss due to fire, windstorm, and natural hazards. Lenders often require the borrower to bring to the settlement a paid-up first year’s policy or to pay for the first year’s premium at settlement.

904. Flood Insurance: If the lender requires flood insurance, it is usually listed here. Line 904 can also be used for other premiums such as flood insurance, etc. HUD also notes that other insurances not required by the lender are to be placed here and since it is not exactly "mortgage insurance", although similar in nature, Sometimes VA Funding Fee is placed on this line.

900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE		
901. Interest from to @\$ /day		
902. Mortgage Insurance Premium for months to		
903. Homeowner’s Insurance Premium for years to		
904.		
905.		

1000 - 1009. Escrow Account Deposits: These lines identify the payment of taxes and/or insurance and other items that must be made at settlement to set up an escrow account. Most of the items listed below are not reimbursable.

1000. RESERVES DEPOSITED WITH LENDER		
1001. Initial Deposit for your escrow account		
1002. Homeowner’s Insurance months @ \$ per month		
1003. Mortgage Insurance		
1004. Property taxes months @ \$ per month		
1005. City Property taxes months @ \$ per month		
1006. County property taxes months @ \$ per month		
1007. School property taxes months @ \$ per month		
1008. MUD Taxes		
1009. HOA Dues		

1100. Title Charges: Title charges may cover a variety of services performed by title companies and others. Your particular settlement may not include all of the items below or may include others not listed.

1101. Title Services and lender’s title insurance: The charges on these lines cover the costs of the title search and examination.

1102. Settlement or Closing Fee: This fee is paid to the settlement agent or escrow holder. Responsibility for payment of this fee should be negotiated between the seller and the buyer.

1103. Owner’s title insurance: The cost of the owner's policy is shown here.

1104. Lender’s title insurance: The cost of the lender’s policy is shown here.

1105. Lender’s title policy limit: The amount of the lender’s title policy limit. This is recorded outside of the columns.

1106. Owner’s title policy limit: The amount of the owner’s title policy limit. This is recorded outside of the columns.

1107. Agent’s portion of the total title insurance premium: The total insurance premium, including endorsements, that is retained by the title agent. This amount is recorded outside of the columns.

1108. Underwriter’s portion of the total title insurance premium: The total insurance premium, including endorsements, that is retained by the title underwriter. This amount is recorded outside of the columns.

NOTE: Additional lines are authorized if required in this series. It is my belief that this series will cause the most confusion to everyone involved in the loan closing. I will try to detail this section for you based on the examples provided by HUD and the instructions provided in the final rule.

1100. TITLE CHARGES		
1101. Title services and lender’s title insurance		
1102. Settlement or closing fee		
1103. Owner’s title insurance		
1104. Lender’s title insurance		
1105. Lender’s title policy limit \$		
1106. Owner’s title policy limit \$		
1107. Agent’s portion of the total title insurance premium		
1108. Underwriter’s portion of the total title insurance premium		
1109. State of Texas Policy Guaranty Fee		
1110. State of Texas Policy Guaranty Fee		
1111.Courier Fee		
1112.Tax Certificate		
1113. Preparation of Warranty Deed		

1200. Government Recording and Transfer Charges: These fees may be paid by you or by the seller, depending upon your agreement of sale with the seller. The buyer usually pays the fees for legally recording the new deed and mortgage (line 1201). Transfer taxes, which in some localities are collected whenever property changes hands or a mortgage loan is made can be quite large and are set by state and/or local governments. City, county and/or state tax stamps may have to be purchased as well (lines 1202 and 1203).

1200. GOVERNMENT RECORDING AND TRANSFER CHARGES		
1201. Government Recording Charges		
1202. Deed \$; Mortgage \$; Release \$		
1203. Transfer taxes		
1204. City/county tax/stamps: Deed \$; Mortgage \$		
1205. State tax/stamps: Deed \$; Mortgage \$		

1300. Additional Settlement Charges:

1301. Survey: The lender may require that a surveyor conduct a property survey. This is a protection to the buyer as well. Usually the buyer pays the surveyor's fee, but sometimes this may be paid by the seller.

1302. Pest and Other Inspections: This fee is to cover inspections for termites or other pest infestation of your home.

1303-1305. Home warranty: These are insurance against the loss of damage of property beyond the provisions of homeowner's insurance policies.

HOA Transfer Fee one-time fee to transfer the ownership in the Home Owner's Association to the buyer.

Others

1300. ADDITIONAL SETTLEMENT CHARGES		
1301. Required services you can shop for		
1302. Pest inspection to		
1303. Home warranty		
1304. HOA Transfer Fee		
1305.		

1400. Total Settlement Charges: The sum of all fees in the borrower's column entitled "Paid from Borrower's Funds at Settlement" is placed here. This figure is then transferred to line 103 of Section J, "Settlement charges to borrower" in the **Summary of Borrower's Transaction** on page 1 of the HUD-1 Settlement Statement and added to the purchase price. The sums of all of the settlement fees paid by the seller are transferred to line 502 of Section K, **Summary of Seller's Transaction** on page 1 of the HUD-1 Settlement Statement.

1400. TOTAL SETTLEMENT CHARGES (<i>enter on lines 103, Section J and 502, Section K</i>)		
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Paid Outside Of Closing ("POC"): Some fees may be listed on the HUD-1 to the left of the borrower's column and marked "POC". Fees such as those for credit reports and appraisals are usually paid by the borrower before closing/settlement. They are additional costs to you. Other fees such as those paid by the lender to a mortgage broker or other settlement service providers may be paid after closing/settlement. These fees are usually included in the interest rate or other settlement charge. They are not an additional cost to you. These types of fees will not be added into the total on Line 1400.

APPENDIX H

FSH Reconsideration Request Form

Pg 1 of 2 pages

Purpose: To Request Reconsideration Review of Civilian Employee Real Estate Expenses Associated with PCS move to or from the San Antonio Area (all four parts must be completed)

PART I

Employee Certification

I understand that my signature below indicates that the information submitted in support of this review is both true and accurate and that this review will be returned directly to the Approval Authority listed below for further processing in accordance with my activity's processing policies for real estate reimbursement claims. I understand that I bear the burden of proving/establishing that the claimed expense(s) are reimbursable and that all expenses for which reimbursement is requested must be authorized for specific authority under regulation or law and customarily paid in the residence locality in which a purchase or sale was made.

I agree to provide updated contact information to the Office of the Staff Judge Advocate should it change from the information contained below. I understand that I may be contacted by the Office of the Staff Judge Advocate after submission of my claim for additional information and my failure to provide the requested information in a timely manner may result in delay or complete denial of my reconsideration. I understand that submission of a false or fraudulent claim is a crime punishable under applicable Federal law and may form the basis of administrative disciplinary action up to and including removal from Federal Service. I believe that I am entitled to be reimbursed for the expenses claimed and have provided legal/regulatory authority and adequate substantiation to support my reconsideration request.

Employee Signature

Date

Print Name

Organization

Telephone Number:

Email Address:

Approval Authority Checklist

PART II

The approval authority will ensure LEGIBLE scanned copies of the following documents are included in the review packet in the following order prior to forwarding the packet to the Administrative/Civil Law Division for Review by placing his or her initials in each of the following blocks (these documents will not be returned):

☐

Fort Sam Houston Reconsideration Request Form (signed by claimant and approval authority)

☐

Fort Sam Houston Itemized Reconsideration Worksheet-DD 1705 Form

☐

Supporting Documentation (as needed)

PART III

Pursuant to JTR, Volume II, Chapter 5, Part P, Paragraph C5759C, Review and Approval of Reasonable Charges, an official designated by the commander officer of an activity must review the expenses claimed and the supporting documentation to determine if the expense(s) claimed are reasonable in amount and customarily paid by the seller or buyer in the locality where the property is located.

As the approval authority (JTR, Volume II, Chapter 5, Part P, Paragraph C5759D) of the employee listed above, I request that the OSJA perform the Paragraph C5759C review for the above listed employee. I will submit this request by scanning all documents necessary for the review (PDF document) and emailing them to the Office of the Staff Judge Advocate at usarmy.jbsa.asa.mbx.rersja@mail.mil with the Subject Heading: *Real Estate Claim-(Claimant First and Last Name)*. I understand that your review will be returned to me via email and it will be my responsibility as the approval authority to ensure the claim is forwarded to DFAS in compliance with the *Pamphlet for Civilian Permanent Duty Travel (PDT)* DFAS-CO 1404.1-PH (January 2010 ed.) available at: <http://www.dfas.mil/dfas/pcstravel.html> under Additional Resources, Civilian PCS Handbook and *the Approval Authority Checklist (Approving Official)* available in the PCS Section of the DFAS website: <http://www.dfas.mil/dfas/pcstravel/checklists.html>

Approval Authority Certification

I have familiarized myself with the most recent version of the *Ft Sam Houston Area Real Estate Reimbursement Claim Guide*, reviewed the documents submitted by the claimant in support of this review, and completed the attached checklist required for submission. I hereby certify all requirements for submission to the OSJA have been met to include the employee's signature above.

Approval Authority Signature	Date
Print Name	
Organization	
Telephone Number:	Email Address:

APPENDIX I

Fort Sam Houston Itemized Reconsideration Worksheet-DD Form 1705 Claims Form

Denied Expense	Line # HUD-1	\$ Amount Claimed	Basis for reconsideration	Regulatory/Legal Authority	List of Substantiating Documents
<i>Loan Processing Fee</i>	<i>803</i>	<i>500.00</i>	<i>Initially denied because I failed to provide information to CSD regarding why this fee was charged. Letter from lender attached shows this fee was for the administrative costs of processing the loan and did not contain prepaid interest, points, or a mortgage discount. I did not pay a 1% loan origination fee.</i>	<i>JTR C5756-A4a(2) GSBCA 16815-Relo (31 August 2006)</i>	<i>Letter from lender.</i>

Italicized example contained in row one of worksheet

Request for Assistance Form

Purpose: To Request Clarification Regarding Processing Procedures and Guidelines for Review of Civilian Employee Real Estate Expenses Associated with PCS move to or from the San Antonio Area

Employee Name:

Contact Phone:

Employee Contact

Email:

Employee Certification

You must check each line below certifying that you have consulted the following resources prior to submitting this request:

_____ I have reviewed the DFAS Handbook*/ Civilian Employee Travel website at:
<http://www.dfas.mil/dfas/pcstravel.html> under Additional Resources, Civilian PCS Handbook.

_____ I have reviewed the ARNORTH & Fort Sam Houston Real Estate Reimbursement Guide.

☐ _____ I have addressed my inquiry to my agency's Approval Authority (AA) and my agency AA could not resolve my concerns.

Employee Request

Please type the nature of your inquiry below and submit it with the following subject heading “Real Estate Reimbursement Inquiry Form-(Employee First and Last Name)” to the following email address:
usarmy.jbsa.asa.mbx.rersja@mail.mil .

Your request will be processed by the staff of the Office of the Staff Judge Advocate, who will respond to you via email or telephone as appropriate. OSJA staff are responsible for advising the approval authorities who take action on real estate reimbursement requests and are prohibited from providing legal advice to you regarding your real estate reimbursement request (for example, staff will not provide an opinion regarding the interpretation of law or regulation as it applies to your particular real estate transaction, this is particularly true if you have not already sold or purchased the property for which you intend to claim reimbursement).

TYPE INQUIRY BELOW